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4 Attorney for defendant,  
RICHARD WAYNE MARTINEZ  
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7 IN THE UNITED STATES DISTRICT COURT FOR THE  
8 EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,	)	No. CRS 04 0128 FCD
	)	
10 Plaintiff,	)	STIPULATION & ORDER
	)	VACATING TRIAL DATE
11 v.	)	AND SETTING MATTER
	)	FOR STATUS CONFERENCE/
12 RICHARD WAYNE MARTINEZ,	)	ENTRY OF PLEA
	)	
13 Defendant.	)	

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15 The parties hereby stipulate to the following:

- 16 1. Jury trial in this matter is now set to begin on January 31, 2006, and a trial  
17 confirmation hearing is set for December 5, 2005.
- 18 2. The parties are now engaged in plea discussions. It is anticipated that  
19 these discussions will result in a written plea agreement and resolution of  
20 this case by way of plea rather than jury trial. In order to afford counsel  
21 time to conduct research concerning the application of the sentencing  
22 guidelines, and to meet with Mr. Martinez concerning the proposed plea,  
23 the parties hereto agree that the trial and trial confirmation hearing dates  
24 be vacated, and that the matter be set for a status conference on **December**  
25 **12, 2005, at 9:30 a.m.** at which time it is anticipated that the defendant  
26 will enter a plea.
- 27 3. It is further stipulated by the parties that time be excluded to December  
28 12, 2005 for preparation of counsel pursuant to local code T4.

1 18 U.S.C. 3161(h)(8)(B)(iv).

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3 DATED: November 17, 2005 /s/ Tim Warriner  
4 Attorney for defendant, RICHARD  
MARTINEZ

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6 DATED: November 17, 2005 /s/ Matthew Stegman  
Assistant U.S. Attorney

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10 ORDER

11 GOOD CAUSE APPEARING, it is hereby ordered that the trial date of  
12 January 31, 2006 and trial confirmation hearing of December 3, 2005 are vacated,  
13 and a status conference is set for December 12, 2005 at 9:30 a.m.. It is further  
14 ordered that time be excluded to December 12, 2005 for preparation of counsel  
15 pursuant to Local Code T4, 18 U.S.C. 3161(h)(8)(B)(iv).  
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17 DATED: November 17, 2005

18 /s/ Frank C. Damrell Jr.  
19 UNITED STATES DISTRICT JUDGE  
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